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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,092	04/09/2004	Jeffrey Brunet	DWW.P.US0003	2194

26360 7590 01/25/2006

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EXAMINER	
FIGUEROA, MARISOL	

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/822,092	BRUNET ET AL.	
	Examiner	Art Unit	
	Marisol Figueroa	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) filed on 04/09/2004 has been considered by the Examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-8, 10-20, 22, and 24 -26** are rejected under 35 U.S.C. 102(b) as being anticipated by Rignell et al. (US 2001/0053688 A1).

Regarding claim 1, Rignell discloses a method of providing customer care within a mobile care framework (p.0084), comprising:

capturing device profile data over-the-air from a device agent (p.0102-0104) within a mobile device (p.0024-0028; p.0038-0047; p.0077-0078; p.0080; a support message generated by a mobile unit containing device profile data, e.g. unit settings/parameters, soft-, hard- and firmware modules, unit identification, etc., is received at the remote support location where the message is monitored and/or displayed to at least one service/support person);

correlating the device profile data to a database of known mobile device issues and associated solutions to the mobile device issues (p.0080-0082; p.0091; p.0106; the support location access one or more databases on the basis of the information received from the mobile device to generate a solution enabling the solving of the problems of the mobile unit; it is inherent to

recognize that a correlating step is implicit because a solution for the problems is generated according to information included in the support request); and

selectively forwarding to the mobile device over-the-air at least one of the solutions for execution by the device agent (p.0081-0085; p.0093).

Regarding claim 2, Rignell discloses the method of claim 1, wherein the capturing step comprises reading configuration data pertaining to the mobile device (p.0038-0039; p.0077).

Regarding claim 3, Rignell discloses the method of claim 1, wherein the capturing step comprises reading resident applications in the mobile device (p.0038-0047; p.0077; e.g. software and firmware in the mobile unit).

Regarding claim 4, Rignell discloses the method of claim 1, wherein the capturing step comprises reading device profile data selected from the group consisting of configuration settings, resident applications, and diagnostic data (p.0077-0078; 0080; p.0038-0047).

Regarding claim 5, Rignell discloses the method of claim 4, wherein the diagnostic data comprises diagnostic data selected from the group consisting of make and model of the device, total and available memory, total and available storage, battery life, connection strength, connection settings, user requests, usage statistics, soft reset count, recently used applications, memory heap (p.0077).

Regarding claim 6, Rignell discloses the method of claim 1, wherein the device profile data is transmitted over-the-air using GPRS (p.0089).

Regarding claim 7, Rignell discloses the method of claim 1, wherein the device profile data is transmitted over-the-air using at least one protocol selected from the group consisting of GPRS, CDMA, UMTS, iDEN, SMS, WiFi, Bluetooth, and infrared (p.0084; p.0089).

Regarding claim 8, Rignell discloses the method of claim 1, wherein the correlating step comprises automatically selecting one or more solutions from among available application or firmware updates, configuration settings, problem resolutions, and user interface configurations (p.0081-0084; the support information including correct settings, updated versions of current and/or firmware modules in the mobile unit may be generated automatically on the basis of the information received in the message from the mobile unit).

Regarding claim 10, Rignell discloses the method of claim 1, wherein the method is performed at the request of a user of the mobile device (p.0024-0025; p.0029, lines 1-4).

Regarding claim 11, Rignell discloses the method of claim 1, wherein the method is performed as a scheduled event automatically by the device agent (p.0024; p.0027-0029; p.0074-0076; a support request from the mobile unit may be generated at any internal event like a timer event or status check performed at regular intervals).

Regarding claim 12, Rignell discloses the method of claim 1, wherein the method is performed at the request of a customer care center (p.0024; p.0026; p.0029, lines 1-4).

Regarding claim 13, Rignell discloses the method of claim 12, wherein there are a plurality of mobile devices, and the customer care center performs the method for more than one mobile device substantially at the same time (p.0024; p.0026; p.0030; the support location/entity may send a message to several mobile units at the same time requesting information from the mobile units to provide the mobile units with solutions to technical problems they may have).

Regarding claim 14, Rignell discloses a mobile care framework comprising:

a customer care application (Fig. 2; Remote Support Location/ Facility); a data store accessible by the customer care application (Fig. 4; p.0106; Database 407); an analytics engine for communication between the customer care application and the data store (Fig. 4; p.0106; p.0108;

General-Purpose Microprocessor); at least one device agent capable of responding to commands from the customer care application, the device agent being located within a mobile device remote from the customer care application in over-the-air communication with the customer care application (Fig. 4; 0102-0103); wherein the customer care application is programmed to use the over-the-air connection to capture device profile data from the at least one device agent for correlation by the analytics engine with a database of known issues and associated solutions in the data store to selectively forward to the at least one mobile device agent at least one solution (p.0077-0085; p.0101-0109; the remote support location/facility receives the profile data, e.g. support message, from the mobile unit over the air in a SMS message, wherein the message is monitored by a program that generates a solution (or support information) according to the profile data received and afterward sends the support information to the mobile unit to correct the problems in the mobile unit).

Regarding claim 15, Rignell discloses the mobile care framework of claim 14, wherein the device profile data is selected from the group consisting of configuration settings, resident applications, and diagnostic data (p.0077-0078; 0080; p.0038-0047).

Regarding claim 16, Rignell discloses the mobile care framework of claim 15, wherein the diagnostic data comprises diagnostic data selected from the group consisting of make and model of the device, total and available memory, total and available storage, battery life, connection strength, connection settings, user requests, usage statistics, soft reset count, recently used applications, memory heap (p.0077).

Regarding claim 17, Rignell discloses the mobile care framework of claim 14, wherein the device profile data is transmitted over-the-air using GPRS (p.0089).

Regarding claim 18, Rignell discloses the mobile care framework of claim 14, wherein the device profile data is transmitted over-the-air using a protocol selected from the group consisting of GPRS, CDMA, UMTS, iDEN, SMS, WiFi, Bluetooth, and infrared (p.0084; p.0089).

Regarding claim 19, Rignell discloses the mobile care framework of claim 14, wherein the analytics engine is programmed to select at least one solution from among available application or firmware updates, configuration settings, problem resolutions, user interface configurations (p.0081-0084; p.0106-0108; the support location have a program for generating information including correct settings, updated versions of current and/or firmware modules in the mobile unit on the basis of the information received in the message from the mobile unit).

Regarding claim 20, Rignell discloses the mobile care framework of claim 14, wherein the device agent comprises an embedded application (Fig. 4; 0102-0103; is inherent to recognize that the microprocessor, i.e. device agent, have an embedded application in order to execute the process of transmitting profile data and updating the mobile unit with solutions).

Regarding claim 22, Rignell discloses the mobile care framework of claim 14, wherein the customer care application comprises a customer service representative interface (p.0080; p.0082; p.0094; the remote location support/facility have a support team or person that the mobile unit user can contact for direct support).

Regarding claim 24, Rignell discloses a device agent embedded in a mobile device capable of communicating over-the-air with a customer care application within a mobile care framework to provide device profile data relevant to the mobile device (p.0077-0078; p.0102-0103; the mobile unit has means for generating a support message request including information relating to settings, unit identification, resident software, and other relevant information from the mobile unit), and programmed to receive and execute at least one solution selectively forwarded over-the-air by the

customer care application (p.0080-0081; p.0084-0085; the mobile unit receives an SMS with support information from the support location and is programmed to automatically update with some of the correct settings, updates, etc.).

Regarding claim 25, Rignell discloses the device agent of claim 24, wherein the device agent comprises a user prompt to provide device profile data to the customer care application and receive and execute solutions (p.0076; the mobile unit is provided with a menu item, i.e. user prompt, that the user selects to execute a test to determine if a support message should be sent and upon an affirmative response a support message request is generated).

Regarding claim 26, Rignell discloses the device agent of claim 24, wherein the device agent comprises a scheduler for timing scheduled provision of device profile data to the customer care application and receiving and executing solutions (p.0024; p.0027-0029; p.0074-0076; a support request from the mobile unit may be generated at any internal event like a timer event or status check performed at regular intervals within the mobile unit).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rignell et al. in view of Homuth (US 2003/0195753 A1).

Regarding claim 9, Rignell discloses the method of claim 1, however fails to disclose

wherein the correlating step further comprises escalating the problem to a second level customer service support bureau. Homuth teaches systems and methods for priority-based customer service wherein customer may be provided with a first and second level of customer service, a second level having a higher priority of service than the first (abstract; p.0025). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to escalate a problem to a second level customer service support bureau as suggested by Homuth, because a second level customer service provides more expertise and a higher quality of service for solving customer issues.

6. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rignell et al. in view of Eriksson (US 2002/0178241 A1).

Regarding claim 21, Rignell discloses the mobile care framework of claim 14, however fails to disclose wherein the data store is linked to vendor and community support. Eriksson teaches a management system that includes a server to store information about devices and its configurations, that when a device attempts to initiate an unknown function the server interrogates the device about settings or configuration information and if determines that the function is unknown, the sever contacts an Internet server of the manufacturer of the device (i.e. vendor) for requesting the pertinent information about the unknown function (abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for linking the data store to a vendor and community support as suggested by Eriksson, in order for the mobile care framework to access other engines that will provide all the information necessary to fully assist the mobile device.

7. **Claim 23** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rignell et al. in view of Chan et al. (US 2003/0023573 A1).

Regarding claim 23, Rignell discloses the mobile care framework of claim 14, however fails to disclose wherein the analytics engine comprises a rule-based application. Chan teaches that a rule based systems or applications are a form of knowledge based systems that originate from the context of Artificial Technology, is a way of encoding the knowledge of an human expert and has the advantage that the knowledge of the human expert becomes comprehensible to a wide variety of people and has the ease of maintenance and modification (p.0004; 0012). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for the analytics engine to comprise a rule-based application as taught by Chen, because it is a well known programming for providing human expertise to a computer system.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m..

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marisol Figueroa
Art Unit 2681

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER